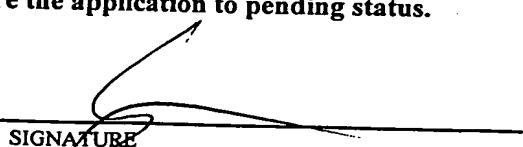


FORM: PTO-1390 (REV 10-95)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. §371		MERCK-2928
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP03/01939	26 February 2003 (26.02.2003)	05 April 2002 (05.04.2002)
TITLE OF INVENTION		
POSITIVE-ELECTRODE ACTIVE MATERIAL FOR NON-AQUEOUS ELECTROLYTE SECONDARY CELL AND PROCESS FOR PREPARING THE SAME		
APPLICANT(S) FOR DO/EO/US		
Ruediger OESTEN et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. §371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. §371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. §371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. §371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. §371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).</p>		
Items 11. to 16. below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input type="checkbox"/> Other items or information:</p>		

U.S. APPLICATION NO. (if known) see 37 CFR §1.57 107510334		INTERNATIONAL APPLICATION NO. PCT/EP03/01939	ATTORNEY'S DOCKET NUMBER MERCK-2928
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR §1.492 (a) (1) - (5)):			
Search Report has been prepared by the EPO or JPO.....		\$950.00	
International preliminary examination fee paid to USPTO (37 CFR §1.482).....		\$720.00	
No international preliminary examination fee paid to USPTO (37 CFR §1.482) but international search fee paid to USPTO (37 CFR §1.445(a)(2)).....		\$750.00	
Neither international preliminary examination fee (37 CFR §1.482) nor international search fee (37 CFR §1.445(a)(2)) paid to USPTO.....		\$1060.00	
International preliminary examination fee paid to USPTO (37 CFR §1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....		\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$950.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 C.F.R. §1.492(e)).		<input type="checkbox"/> 20 <input type="checkbox"/> 30	
CLAIMS		NUMBER FILED	NUMBER EXTRA
Total claims	13	- 20 =	0
Independent claims	2	- 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$ 280.00	
TOTAL OF ABOVE CALCULATIONS =		\$950.00	
Reduction of 1/2 for filing by small entity, if applicable. A Verified Small Entity Statement must also be			
SUBTOTAL =		\$950.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 C.F.R. §1.492(f)).		<input type="checkbox"/> 20 <input type="checkbox"/> 30	
TOTAL NATIONAL FEE =		\$950.00	
Fee for recording the enclosed assignment (37 C.F.R. §1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§3.28, 3.31). \$40.00 per property.			
TOTAL FEES ENCLOSED =		\$950.00	
		Amount to be refunded:	
		charged:	
a. <input checked="" type="checkbox"/>	A check in the amount of <u>\$950.00</u>	to cover the above fees is enclosed.	
b. <input type="checkbox"/>	Please charge my Deposit Account No. <u>13-3402</u>	in the amount of <u>\$</u>	to cover the above fees.
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-3402</u> . A duplicate copy of this sheet is enclosed.		
NOTE: Where an appropriate time limit under 37 C.F.R. §§1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. §1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: Customer Number 23,599			
 SIGNATURE <u>Anthony J. Zelano</u> NAME <u>27,969</u> REGISTRATION NUMBER			
Filed: October 5, 2004			